

**ZONING BOARD OF APPEALS**

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ZBA 2009-74

Petition of Monica & Daniel Cloherty
101 Mayo Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, October 8, 2009, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MONICA & DANIEL CLOHERTY requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 18 foot by 27.5 foot two-story addition and construction of a 5.04 foot by 13.86 foot one-story addition, on an existing nonconforming structure with less than required right side yard setbacks, in a 10,000 square foot Single Residence District, at 101 MAYO ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On September 21, 2009 the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Michael Collins, Monica & Daniel Cloherty (the "Petitioner"), and Peter Bachman, Custom Designs.

Mr. Collins said that there is an existing nonconforming right side yard setback for the garage. He said that the proposal is for a one-story addition over the garage. He said that the front elevation will have a gable roof pitching back from the street with a dormer. He said that the overall height will be lower than the ridge of the main house.

The Board encouraged the Petitioner to add some windows to the garage. Mr. Collins said that proposed windows for the garage were removed due to cost issues. He said that it is heavily vegetated on the right side property line.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 101 Mayo Road, in a 10,000 square foot Single Residence District, with a minimum right side yard setback of 19.8 feet.

The Petitioner is requesting a Special Permit/Finding that construction of an 18 foot by 27.5 foot two-story addition and construction of a 5.04 foot by 13.86 foot one-story addition, on an existing

nonconforming structure with less than required right side yard setbacks shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 8/20/09, stamped by Terrence M. Ryan, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 8/27/09, drawn by D. Michael Collins Architects, and photographs were submitted.

On October 7, 2009, the Planning Board reviewed the petition and had no objection to granting the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that although construction of an 18 foot by 27.5 foot two-story addition and construction of a 5.04 foot by 13.86 foot one-story addition, on an existing nonconforming structure with less than required right side yard setbacks is increasing a nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of an 18 foot by 27.5 foot two-story addition and construction of a 5.04 foot by 13.86 foot one-story addition, in accordance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

J. Randolph Becker

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm